



**DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF UNDERGROUND STORAGE TANKS
4TH FLOOR, L & C TOWER
401 CHURCH STREET
NASHVILLE, TENNESSEE 37243-1541**

August 6, 2007

RE: Red Tagging of Fill Ports/New UST Delivery Prohibition Process

Dear Owners of and Distributors to Petroleum Underground Storage Tanks:

On July 1, 2004 the Tennessee Petroleum Underground Storage Tank Act began providing authority for the affixing of a notice or tag to a dispenser and/or fill port for any tank that does not have a current certificate. On August 8, 2005 the Federal Energy Policy Act of 2005 became law, and it requires all states receiving Federal grant dollars to have a delivery prohibition program. Consequently, the Division of Underground Storage Tanks developed a red tag process in order to comply with the new Federal and existing State laws.

Beginning August 8, 2007, the Division will implement the red tagging (affix a red tag to each fill port) of all underground storage tanks at a facility for the following conditions:

- Failure to pay annual tank fees and associated late penalties
- Operational compliance violations that result in a Final Order



The Red Tag Process will apply to **all** tanks at a facility. A certificate will not be issued for the facility and authorization to remove the red tag will not be given until all required corrections are complete.

T.C.A. 68-215-106(c)(2) states, "it is unlawful for any person to place or cause to be placed petroleum substances in a petroleum underground storage tank without a certificate required pursuant to subdivision (c)(1). The commissioner may also affix

a notice or tag to a dispenser or fill port, or both, or in the alternative the commissioner may give notice on the department web site for any tank that does not have a current certificate. Removal of such tag or notice shall be a Class C misdemeanor."

The UST Facilities without Certificates posting on the Division website will continue to be updated for distributors to review.

Sincerely,

Stanley R. Boyd, Director